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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 PAUL RYAN individually and on
11 behalf of all others similarly situated,

12 Plaintiff,

13 v.

14 WILSHIRE LAW FIRM, P.L.C.

15 Defendant.
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Case No.

**COMPLAINT FOR
INJUNCTION AND DAMAGES**

Class Action

JURY TRIAL DEMAND

19 Plaintiff Paul Ryan (“Mr. Ryan”), by his undersigned counsel, for this
20 Amended class action complaint against Wilshire Law Firm, P.L.C. (“Wilshire”)
21 and their present, former and future direct and indirect parent companies,
22 subsidiaries, affiliates, agents and related entities, allege as follows:
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24

25 **I. INTRODUCTION**

26 1. Nature of Action: As the Supreme Court has explained, “Americans
27 passionately disagree about many things. But they are largely united in their
28

1 disdain for robocalls. The Federal Government receives a staggering number of
2 complaints about robocalls—3.7 million complaints in 2019 alone. The States
3 likewise field a constant barrage of complaints. For nearly 30 years, the people’s
4 representatives in Congress have been fighting back. As relevant here, the
5 Telephone Consumer Protection Act of 1991, known as the TCPA, generally
6 prohibits robocalls to cell phones and home phones.” *Barr v. Am. Ass’n of Political*
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8 *Consultants*, 140 S. Ct. 2335, 2343 (2020).

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10 2. This case involves a campaign by Wilshire to generate leads for its
11 law firm using illegal prerecorded robocalls in alleged violation of the TCPA.

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13 3. Because telemarketing campaigns generally place calls to thousands
14 or even millions of potential customers *en masse*, Plaintiff brings this action on
15 behalf of a proposed nationwide class of other persons who received illegal
16 telemarketing calls from or on behalf of Defendant.
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19 II. PARTIES

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21 4. Plaintiff is an individual.

22 5. Defendant Wilshire Law Firm, P.L.C. is a California corporation located
23 in this District.
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25 III. JURISDICTION AND VENUE

26 6. Jurisdiction. This Court has federal-question subject matter jurisdiction
27 over Plaintiff’s TCPA claims pursuant to 28 U.S.C. § 1331 because the TCPA is a
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1 federal statute. 47 U.S.C. § 227; *Mims v. Arrow Fin. Servs., LLC*, 565 U.S. 368, 372
2 (2012).

3
4 7. Personal Jurisdiction: This Court has general personal jurisdiction over
5 Defendant Wilshire because it is headquartered and has its principal place of
6 business in this District.

7
8 8. Venue: Venue is proper in this District pursuant to 28 U.S.C. §
9 1391(b)(1) because Defendant is a resident of this District.

10 11 **IV. FACTS**

12 **A. The Enactment of the TCPA and its Regulations**

13 9. In 1991, Congress enacted the TCPA to regulate the explosive growth
14 of the telemarketing industry. In so doing, Congress recognized that
15 “[u]nrestricted telemarketing . . . can be an intrusive invasion of privacy [.]”
16 Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, § 2(5) (1991)
17 (codified at 47 U.S.C. § 227).

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19
20 10. The TCPA makes it unlawful to make any call (other than a call made
21 for emergency purposes or made with the prior express consent of the called party)
22 using an automatic telephone dialing system or an artificial or prerecorded voice to
23 any telephone number assigned to a cellular telephone service or that is charged
24 per the call. *See* 47 U.S.C. § 227(b)(1)(A)(iii).
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1 11. The TCPA provides a private cause of action to persons who receive
2 calls in violation of 47 U.S.C. § 227(b)(1)(A) or 47 U.S.C. § 227(b)(1)(B). *See* 47
3 U.S.C. § 227(b)(3).

4
5 12. According to findings by the Federal Communication Commission
6 (“FCC”), the agency Congress vested with authority to issue regulations
7 implementing the TCPA, such calls are prohibited because, as Congress found,
8 automated or prerecorded telephone calls are a greater nuisance and invasion of
9 privacy than live solicitation calls, and such calls can be costly and inconvenient.
10

11
12 13. In 2013, the FCC required prior express written consent for all
13 autodialed or prerecorded telemarketing calls (“robocalls”) to wireless numbers
14 and residential lines. Specifically, it ordered that:
15

16 [A] consumer’s written consent to receive telemarketing robocalls must
17 be signed and be sufficient to show that the consumer: (1) received
18 “clear and conspicuous disclosure” of the consequences of providing
19 the requested consent, i.e., that the consumer will receive future calls
20 that deliver prerecorded messages by or on behalf of a specific seller;
21 and (2) having received this information, agrees unambiguously to
22 receive such calls at a telephone number the consumer designates.[] In
23 addition, the written agreement must be obtained “without requiring,
directly or indirectly, that the agreement be executed as a condition of
purchasing any good or service.[]”

24 *In the Matter of Rules & Regulations Implementing the Tel. Consumer Prot. Act of*
25 *1991*, 27 F.C.C. Rcd. 1830, 1844 (2012) (footnotes omitted).
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B. Defendant's Unsolicited Pre-Recorded Telemarketing to Plaintiff

14. Plaintiff is, and at all times mentioned herein was, a "person" as defined by 47 U.S.C. § 153(39).

15. Plaintiff's cellular telephone number is (516) XXX-XXXX.

16. Mr. Ryan never provided his prior express written consent to receive calls from Defendant Wilshire.

17. Despite this, Defendant Wilshire, as part of a telemarketing campaign, sent Plaintiff approximately 100 pre-recorded telemarketing calls from multiple unique caller IDs all transmitting the name "Wilshire Law" between May 2024 and present.

18. In fact, Mr. Ryan called Defendant Wilshire in July of 2024 to request that the calls stop, but the calls continued.

19. The calls came from multiple caller IDs, close to 70 in all, including 951-366-4863, 775-255-1849, 424-460-5860, and 209-734-9933.

20. The pre-recorded telemarketing calls all played an identical prerecorded message, or a variation thereof, as follows:

Hi! This is Matt from Wilshire Law Firm. I wanted to make sure to follow up with you. We have the details of your case and we want to let you know that our firm is here to help you get the maximum

1 compensation you deserve. Your legal options are very time-
2 sensitive, so it's important that you get in touch with us right
3 away. Please give us a call as soon as you can. Thank you.
4

5 21. This message was voiced in the same voice and played the same exact
6 scripted message.
7

8 22. When the phone numbers are called back, they ring back to agents of
9 Defendant.
10

11 23. Plaintiff's privacy has been violated by the above-described
12 telemarketing calls.
13

14 24. Plaintiff never provided his consent or requested the calls.

15 25. The calls were all unwanted, nonconsensual encounters.
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17 26. Plaintiff and all members of the Class, defined below, have been
18 harmed by the acts of Defendant because their privacy has been violated and they
19 were annoyed and harassed. In addition, the calls occupied their telephone lines,
20 storage space, and bandwidth, rendering them unavailable for legitimate
21 communication, including while driving, working, and performing other critical
22 tasks.
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V. CLASS ACTION ALLEGATIONS

27. Class Definition. Pursuant to Fed. R. Civ. P. 23(b)(2) and (b)(3), Plaintiff bring this case on behalf of the Class (the “Class”) defined as follows:

Robocall Class: All persons within the United States: (1) to whose cellular telephone number (2) Wilshire (or an agent acting on behalf of Wilshire) placed a call (3) within the four years prior to the filing of the Complaint (4) using a pre-recorded message.

28. Excluded from the Class are counsel, Defendant, any entities in which Defendant has a controlling interest, Defendant’s agents and employees, any judge to whom this action is assigned, and any member of such judge’s staff and immediate family.

29. The Class, as defined above, is identifiable through telephone records and telephone number databases.

30. The potential members of the Class likely number at least in the hundreds because of the *en masse* nature of telemarketing calls.

31. Individual joinder of these persons is impracticable.

32. Additionally, the disposition of the claims in a class action will provide substantial benefit to the parties and the Court in avoiding a multiplicity of identical suits.

1 33. Plaintiff is a member of the Class and will fairly and adequately
2 represent and protect the interests of the Class as he has no interests that conflict
3 with any of the class members.
4

5 34. Plaintiff and all members of the Class have been harmed by the acts of
6 Defendant, including, but not limited to, the invasion of their privacy, annoyance,
7 waste of time, and the intrusion on their telephone that occupied it from receiving
8 legitimate communications.
9

10 35. This class action complaint seeks injunctive relief and money
11 damages.
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13 36. There are numerous questions of law and fact common to Plaintiff and
14 members of the Class. These common questions of law and fact include, but are
15 not limited to, the following:
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17 a. whether Defendant, acting either directly or vicariously,
18 systematically made pre-recorded telemarketing calls;
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20 b. whether Defendant Wilshire is vicariously liable for any calls
21 placed by telemarketing vendors, if any;
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23 c. whether Defendant, acting either directly or vicariously, made
24 calls to Plaintiff and members of the Class without first obtaining prior express
25 written consent to make the calls; and
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1 d. whether members of the Class are entitled to treble damages
2 based on the willfulness of Defendant's conduct.

3 37. Plaintiff's claims are typical of the claims of the Class.

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5 38. Plaintiff's claims, like the claims of Class, arise out of the same
6 common course of conduct by Defendant and are based on the same legal and
7 remedial theories.

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9 39. Common questions of law and fact predominate over questions
10 affecting only individual class members, and a class action is the superior method
11 for fair and efficient adjudication of the controversy. The only individual question
12 concerns identification of class members, which will be ascertainable from records
13 maintained by Defendant and/or its agents.

14
15 40. A class action is the superior method for the fair and efficient
16 adjudication of this controversy. Class-wide relief is essential to compel Defendant
17 to comply with the TCPA. The interests of individual members of the Class in
18 individually controlling the prosecution of separate claims against Defendant is
19 small because the damages in an individual action for violation of the TCPA are
20 small. Management of these claims is likely to present significantly more
21 difficulties than are presented in many class claims. Class treatment is superior to
22 multiple individual suits or piecemeal litigation because it conserves judicial
23 resources, promotes consistency and efficiency of adjudication, provides a forum
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1 for small claimants, and deters illegal activities. There will be no significant
2 difficulty in the management of this case as a class action.

3 41. Defendant has acted on grounds generally applicable to the Class,
4 thereby making final injunctive relief and corresponding declaratory relief with
5 respect to the Class appropriate on a class-wide basis. Moreover, on information
6 and belief, Plaintiff alleges that the telephone solicitation calls made by Defendant
7 and/or its affiliates, agents, and/or other persons or entities acting on Defendant's
8 behalf that are complained of herein are substantially likely to continue in the
9 future if an injunction is not entered.
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14 **FIRST CAUSE OF ACTION**
15 **Telephone Consumer Protection Act**
16 **Violations of 47 U.S.C. § 227(b)(3)**
17 **(On Behalf of Plaintiff and the Pre-Recorded Call Class)**

18 42. Plaintiff repeats the prior allegations of this Complaint and
19 incorporates them by reference herein.

20 43. The foregoing acts and omissions of the Defendant, and/or its
21 affiliates, agents, and/or other persons or entities acting on Defendant's behalf
22 constitute numerous and multiple violations of the TCPA, 47 U.S.C. § 227, by
23 making calls, except for emergency purposes, to the cellular telephone numbers of
24 Plaintiffs and members of the Class delivering pre-recorded messages.
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1 44. As a result of Defendant's and/or their affiliates, agents, and/or other
2 persons or entities acting on Defendant's behalf's violations of the TCPA, 47
3 U.S.C. § 227, Plaintiff and members of the Class presumptively are entitled to an
4 award of \$500 in damages for each and every call made to their residential or
5 cellular telephone numbers using an artificial or prerecorded voice in violation of
6 the statute, pursuant to 47 U.S.C. § 227(b)(3)(B).
7

8 45. If the Defendant's conduct is found to be knowing or willful, the
9 Plaintiff and members of the Class are entitled to an award of up to treble
10 damages.
11

12 46. Plaintiff and members of the Class are also entitled to and do seek
13 injunctive relief prohibiting Defendant and/or its affiliates, agents, and/or other
14 persons or entities acting on Defendant's behalf from violating the TCPA, 47
15 U.S.C. § 227, by making calls, except for emergency purposes, to any cellular
16 telephone numbers using an artificial or prerecorded voice in the future.
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21 **PRAYER FOR RELIEF**

22 **WHEREFORE**, Plaintiff, individually and on behalf of the Class, prays for
23 the following relief:
24

- 25 A. Certification of the proposed Class;
26 B. Appointment of Plaintiff as representative of the Class;
27 C. Appointment of the undersigned counsel as counsel for the Class;
28

1 D. A declaration that Defendant and/or its affiliates, agents, and/or other
2 related entities' actions complained of herein violated the TCPA;

3 E. An order enjoining Defendant and/or its affiliates, agents, and/or other
4 persons or entities acting on Defendant's behalf from making calls, except for
5 emergency purposes, to any cellular telephone numbers using an artificial or
6 prerecorded voice in the future;
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9 F. An award to Plaintiff and the Class of damages, as allowed by law;
10 and
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12 G. Orders granting such other and further relief as the Court deems
13 necessary, just, and proper.
14

15 **VI. DEMAND FOR JURY**

16 Plaintiff demand a trial by jury for all issues so triable.
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18 RESPECTFULLY SUBMITTED AND DATED this 12th day of October,
19 2024.
20

21
22 /s/ Dana J. Oliver
23

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COMPL.

Ryan v. Wilshire

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